

Notice of Allowability

Application No.

10/029,375

Examiner

Merrick Dixon

Applicant(s)

FRANKLIN ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 10-25-04.
2. ☒ The allowed claim(s) is/are 2,3,5-27 and 43(renumbered 1-26).
3. ☒ The drawings filed on 12-20-2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date see Office Action
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Merrick Dixon
Primary Examiner
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Pursuant to the RCE filed 10-25-04, the instant application has been revisited and the claims examined.

Enclosed, please find initialed copies of nine (9) PTO-1449 sheets herewith bearing entry dates of:

3-14-02(3 pages) ;

9-15-03(1 page);

1-16-04(1 page);

5-26-04(none);

6-10-04(3 pages) and

10-25-04(1 page).

Claims 2,3,5-27 and 43 are allowed, renumbered 1-26

Claims 1, 4 and 28-42 are canceled.

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The following is an examiner's statement of reasons for allowance: The claimed invention is deemed unobvious over the cited art of record because such art does not teach or reasonably suggest the overall aspects of an elastic composite comprising a substrate and a first and second elastic members secured to the substrate along a securement path extending longitudinally along the substrate, said first elastic member being secured to the substrate so that the position of said first elastic member on the

substrate varies transversely within said securement path in a first generally periodic wave pattern having at least one period within said securement path in combination with said second elastic member being secured to said substrate so that the position of said second elastic member varies transversely within said said securement path in a second generally periodic wave pattern having at least one period within said securement path in a second generally periodic wave pattern having at least one period within said securement path, said first and second generally periodic wave patterns being shaped such that the elastic composite is more stretchable in the direction of the securement path than in the direction transverse to the securement path .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can now do so by using the Examiner Dixon's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as**

**informal. Same facsimiles will not be entered in the related applications
unless otherwise noted by the examiner.**

The fax number for all other fascimile is 703-872-9306.

Information about the status of an application may be obtained from the Patent Information Retrieval system (Private PAIR). Status inquiries for published applications may be retrieved from either private PAIR or Public PAIR. Questions about the PAIR system should be directed to the Electronic Business Center at 866-217-9197.

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Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time .

All other questions of a general nature should be directed to the General Information line for TC1700, at 571-272-1700.



Merrick Dixon

Primary Examiner

Group 1700